

Nov 19, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD JAY MIDDAUGH,

Defendant.

No. 2:18-CR-0182-WFN-1

ORDER GRANTING
MOTION TO AMEND
CONDITIONS OF RELEASE

BEFORE THE COURT is the Defendant's Motion to Clarify Conditions of Pre-Trial Release. ECF No. 31. Defendant seeks to modify his conditions of pretrial release, ECF No. 31, to clarify that Xbox® is not a "computer" for purposes of pretrial release condition No. 22.

Defendant recites that the United States Attorney deferred the government's position on this motion to Pretrial Services and Probation Officer Erik Carlson informed Defendant that Xbox® is a computer for purposes of his conditions of release. ECF No. 31 at 2.

IT IS ORDERED that the Defendant's motion to modify the conditions of his pretrial release, **ECF No. 31**, is **GRANTED**. The corresponding motion to expedite, **ECF No. 32**, is also **GRANTED**.

1 Defendant's conditions of pretrial release are **modified** as follows:

- 2 (22) Defendant shall not possess or access pornography in any form, electronic or
3 otherwise. Defendant shall not have access to the internet, including but not
4 limited to cell phones with internet access. There shall be no internet-
5 capable devices in Defendant's home. Should Defendant obtain
6 employment involving the use of computers or other digital devices, this
7 condition may be revisited. Defendant is permitted to play games on an
8 "Xbox®" brand device, which the Court understands to be a free standing
9 electronics product that requires connection to a viewing screen, but does
10 *not* require connection to a computer or the internet. Defendant is permitted
11 to utilize an Xbox® in his home, provided there is no computer or other
12 electronic device in the home that is capable of connecting to the internet

13 All other terms and conditions of pretrial release not inconsistent herewith
14 shall remain in full force and effect.

15 DATED November 19, 2018.

A handwritten signature in black ink, appearing to read "M", is positioned above a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE